

## **Empowering Rural Communities: Legal Aid and the Rule of Law in Rural China**

Social tensions are growing in China. Civil arbitration and litigation relating to land, family, labor, and personal injury disputes are increasing dramatically. As the gap between rich and poor grows wider, rural citizens experience family, economic, and administrative problems but have few legal options for resolving them. People in the Chinese countryside are often aware of their rights but do not know how to implement them. Legal awareness and access to justice in rural China matter more than ever because while the Chinese government has embraced rule of law as a policy objective, it faces challenges in providing legal resources nationwide.

Many donor-funded projects in China seek to strengthen rule of law by focusing on the supply side - the capacity of the court system to deliver independent, effective justice, or the stimulus of high-profile or politically charged public interest cases. Our project focuses on the mundane, but equally important *demand* side of the equation: allowing rural citizens to access courts for everyday civil matters

We target the delivery of legal aid in places where China's system does not serve the poor effectively. Each county-level Justice Bureau maintains a Legal Aid Center staffed by a legal-aid lawyer and a justice assistant (often a non-lawyer) at a Justice Station in townships throughout the county. However, Legal Aid Centers remain underfunded and their salaried lawyers have little incentive to increase their case load. Private lawyers rely on client fees for their incomes and so are responsive only when legal aid funding is available. As a result, county-level courts are often under-utilized because there is limited demand for adjudication from citizens. Without such demand, national and provincial governments are under no pressure to allocate more resources to legal aid, with the result that rural citizens are unable to utilize formal law.

Some studies suggest that the citizen options *do* change dramatically where legal aid becomes available. But how and why? We test this idea in two ways: first, by increasing the flow of legal aid to selected rural communities in Hunan, Inner Mongolia and Chongqing. Second, we undertake a rigorous, replicable, extensive household survey in selected counties to evaluate whether legal aid changes local citizens' perceptions of the legal system and their choices in relation to dispute resolution.

We aim for sustainability. Donor-funded legal aid becomes a victim of its own success when expectations are raised; system capacity improves, but only for the life of the funded project. In the short term we contract with local lawyers on a fee basis to take hundreds of new legal aid cases and civil cases from poor rural clients. We also partner with provincial law schools to



provide formal legal training for hundreds of lawyers, judges and legal aid providers, creating a new network of legal professionals at the local level. Training materials developed for this project will become China's first *Legal Aid Manual* for civil cases and ADR.

### ***Engaging universities as new stakeholders in Legal Aid***

We engage local universities and deploy students as legal aid interns to interview rural clients and prepare legal aid litigation files. We offer universities incentives to build or improve their clinical programs by providing professional support from the University of Washington, which is nationally recognized as a first-tier clinical law program.

A major effect of the project has been Chinese law students from provincial law schools experiencing firsthand the hardships of and lack of justice in the remote Chinese countryside. Our aim is to deliver transformative experiences that young lawyers will carry forward into legal practice or professional life. We also make extensive use of TV, radio, newspaper and local advertising to reach farmers and raise awareness of the availability of legal aid.

“Legal aid service is the sunshine in the winter which warms the poor.”  
- Liu, Yajin, Newscaster-Anxiang County

The project promotes democracy, human rights, labor rights, and the rule of law; a key element of the rule of law is the right of citizens to freely make demands on their government and a government that is obligated to respond.

“The elderly demanding their pension payments; neglected parents demanding maintenance; injured workers and patients demanding compensation; and in general aggrieved people asserting their rights—all comprise the leading force in making the [Chinese] government more responsive and responsible” (Fu, 2005).

In August 2007, project partners held the first Legal-Aid skills training program in Changsha, Hunan. Fifty legal aid workers from five county-level legal aid centers in Hunan participated, including Anxiang County, Nan County, Ziyang District, Anhua County, and Tiaojiang County. Skills training programs were held in Hunan in Anxiang County (October 2007) for heads of township legal aid stations and village-level mediation supervisors and representatives from the county Women's Federation, Disabled Persons' Federation, Labor and Social Security Bureau, legal aid center and personnel from county law firms and legal services offices. A similar program was held for 104 participants in Nan County on December, 2007.



## ***Legal Aid Training Participants Speak***

“Every class was beneficial, the biggest benefits are: 1) it helps me to understand the current situation and future development of various legal aspects; and 2) it broadens my thoughts and encourages me to explore the skills in handling cases.”

“[The most beneficial aspect is] legal aid review and approval. [The class] provided me with systematic and professional knowledge which is helpful in the development of legal aid work and legal aid promotion.”

- Trainee comments, Hunan Legal Aid Training Program, Summer 2007

After attending the project workshop on “Raising the Quality of Legal Aid Volunteers,” in November 2007, faculty and law students from the Zhongnan University School of Law, assisted by representatives of the county Legal Aid Center, offered sidewalk legal-aid clinics in Anquan and Anyu Townships under banners reading “Zhongnan University School of Law Service Team ‘Delivering Law to the Countryside.’” Legal consultations were provided to 300 people, focusing on rural land contract rights, marriage law, inheritance law, and labor contract rights. Members of the group traveled to villages in each township to draw citizens to the township-based events and to distribute copies of the *Handbook on Legal Problems Commonly Encountered in Rural Areas* that they had prepared.

Throughout 2008, the project team continues to expand Legal Aid skills training programs and publicity activities to grassroots communities in Anhua, Taojiang, and Ziyang counties within Hunan Province, with a particular focus on practical mediation skills for use at the village level. Legal Aid skills training and recruitment of student volunteers has also begun in Inner Mongolia, and plans are under way to extend the program to Chongqing.

## ***Project Personnel and Support***

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Asian Law Director Professor Veronica Taylor and Professor Susan Whiting (UW Political Science/Asian Law Center) are the lead faculty; Professor Dongsheng Zang serves as the country expert for the project. Professor Hualing Fu, Director of the Center for Comparative and Public Law at the University of Hong Kong Faculty of Law, is the Project Manager. The current in-country partners are the national law schools in Hunan, Inner Mongolia Autonomous Region



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and Chongqing, some of the most under-resourced areas of China, the National Legal Aid Center, Justice Ministry (Beijing), and the Research Center for Contemporary China at Peking University (RCCC).

The assessment tool and survey was designed by Professor Susan Whiting, Changdong Zang (RA Political Science, UW), Professor Hualing Fu (HKU), Professor Shen Mingming and researchers Yan Jie and Yang Ming (RCCC), Shao Hua (Zhongnan University) and Long Zhibo (Project Assistant, Hunan).